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EXAMINER
LAZARO, DAVID R

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	**Applicant(s)**
Office Action Summary	09/691,277	MITCHELL ET AL.
	Examiner	**Art Unit**	
	David Lazaro	2155	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *28 April 2005*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-16 and 18-26* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) *12-16 and 26* is/are allowed.

6) ☒ Claim(s) *1-11 and 18-25* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to the RCE filed 04/28/2005.

2.   Claims 1, 12, 16, 18, 22, 24 and 25 were amended.

3.   Claim 26 was added.

4.   Claim 17 is canceled.

5.   Claims 1-16 and 18-26 are pending in this office action.

6.   Claims 12-16 and 26 are allowable, please see "Allowable Subject Matter".

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8.   Claims 1-9, 11 and 18-25 are rejected under 35 U.S.C. 102(e) as being

anticipated by U.S. Patent 6,300,947 by Kanevsky.

9.   With respect to Claim 1, Kanevsky teaches a method for selectively displaying an

additional content in a Web page based on an available display area, wherein a primary

content is unconditionally displayed in the Web page, but the additional content, which

does not employ a hyperlink to display the information it conveys, is only displayed with

the primary content depending upon whether predefined criteria are met, comprising the

steps of: (a) automatically detecting dimensions of the available display area (Col. 6 lines 4-28); (b) automatically determining whether information directly conveyed by the additional content and primary content can be fully displayed in a single web page in the available display area without requiring access of another Web page (Col. 8 lines 29-34, Col. 9 lines 39-41 and Col. 10 lines 46-65), with requiring scrolling in more than one direction (Col. 9 lines 35-41 and Col. 10 lines 46-65) and without requiring a modification of either the primary or the additional content that results in either the primary or the additional content being perceived in less than its entirety on the single web page (Col. 10 lines 46-65), said additional content not being necessarily related to the primary content (Col. 9 lines 39-41); and if so, (c) displaying both the additional content and the primary content on the single Web page (Col. 9 lines 39-41 and Col. 10 lines 46-65); else (d) displaying only the primary content (Col. 8 lines 29-34).

10.   With respect to Claim 2, Kanevsky teaches all the limitations of Claim 1 and further teaches wherein the available display area comprises an area defined by a browser window (Col. 1 lines 36-47) produced by a browser program (Col. 4 lines 64-65); and wherein the step of detecting the dimensions of the available display area includes the steps of: (a) detecting properties of the browser program that produced the browser window (Col. 5 lines 5-19 and line 63 to Col. 6 lines 3); (b) providing instructions compatible with the detected properties of the browser program (Col. 5 lines 23-29); and (c) executing the instructions to automatically detect the dimensions of the browser window (Col. 2 lines 12-19 and Col. 6 lines 20-27).

11.   With respect to Claim 3, Kanevsky teaches all the limitations of Claim 2 and

further teaches wherein the step of automatically determining occurs when the browser

window is initially displayed by the browser program (Col. 7 lines 25-47 and Col. 16

lines 47-56).

12.   With respect to Claim 4, Kanevsky teaches all the limitations of Claim 2 and

further teaches wherein the step of automatically determining comprises the step of

storing a pointer to a previously defined event handler used by the browser program

(Col. 17 lines 50-59 and Col. 18 lines 1-14)).

13.   With respect to Claim 5, Kanevsky teaches all the limitations of Claim 4 and

further teaches wherein the previously defined event handler responds to at least one of

initially displaying content in the browser window, and resizing the browser window (Col.

17 lines 50-59 and Col. 18 lines 1-14).

14.   With respect to Claim 6, Kanevsky teaches all the limitations of Claim 5 and

further teaches wherein the step of displaying only the primary content comprises the

step of executing the previously defined event handler (Col. 17 lines 33-39).

15.   With respect to Claim 7, Kanevsky teaches all the limitations of Claim 1 and

further teaches wherein the step of automatically determining comprises the step of

automatically determining if at least one dimension of the available display area is

sufficient to display the additional content (Col. 10 lines 39-41 and Col. 11 lines 49-51).

16.   With respect to Claim 8, Kanevsky teaches all the limitations of Claim 5 and

further teaches further comprising the step of responding to a change in the available

display area by again automatically determining whether the additional content and the

primary content can both be fully displayed in the available display area without requiring scrolling in more than one direction (Col. 17 lines 39-44 and lines 50-59 and Col. 11 line 49-51).

17.   With respect to Claim 9, Kanevsky teaches all the limitations of Claim 1 and further teaches wherein the step of automatically determining comprises the step of iteratively automatically determining whether a further additional content can be fully displayed with the primary content and a previous additional content in the available display area without requiring scrolling in more than one direction (Col. 10 lines 39-41, Col. 11 lines 49-51 and lines 14-24).

18.   Claim 11 is rejected for the same reasons set forth in Claim 1. Note also in Kanevsky (Col. 5 lines 23-29).

19.   With respect to Claim 18, Kanevsky teaches a method for providing content to a browser program for display in a browser window without employing a hyperlink to display the information the additional information conveys, and without requiring scrolling in more than one direction to fully display the additional content, comprising the steps of: (a) automatically detecting properties that identify the browser program (Col. 16 lines 37-46, Col. 2 lines 12-19); (b) automatically determining instructions that are compatible with the browser program (Col. 16 lines 37-46, Col. 2 lines 12-19), to display at least a portion of the additional content without scrolling in more than one direction (Col. 7 lines 25-28) and without requiring a modification of the additional content that results in said at least the portion of the additional content being perceived in less than its entirety on the single web page (Col. 10 lines 46-65), based on an available display

area in the browser window (Col. 9 lines 39-41); and (c) communicating the instructions

to the browser program (Col. 16 lines 37-46, Col. 2 lines 13-16), said instructions

causing the additional content to be fully displayed only if possible to do so without

requiring scrolling in more than one direction (Col. 7 lines 25-28) and without requiring a

modification of the additional content that results in said at least the portion of the

additional content being perceived in less than its entirety on the single web page, such

that a user may directly discern all of the information that the at least the portion of the

additional content conveys (Col. 10 lines 46-65), wherein said additional content is not

necessarily related to the primary content (Col. 9 lines 39-41).

20.   With respect to Claim 19, Kanevsky teaches all the limitations of Claim 18 and

further teaches wherein the step of automatically detecting comprises the step of

parsing a request from the browser program for content to be displayed by the browser

program, to determine information that identifies the browser program (Col. 6 lines 20-

29 and lines 45-51).

21.   With respect to Claim 20, Kanevsky teaches all the limitations of Claim 18 and

further teaches wherein the step of automatically determining comprises the steps of:

(a) determining a type of the browser program being used from the set of properties;

and (Col. 5 lines 5-19) (b) selecting specific instructions written to be implemented by

the type of the browser program being used (Col. 2 lines 12-19).

22.   With respect to Claim 21, Kanevsky teaches all the limitations of Claim 18,

wherein the step of communicating comprises the steps of: (a) obtaining the instructions

that are compatible with the browser program (Col. 2 lines 12-19); (b) upon receiving a

request for a content from the browser program, providing a response that includes at

least a portion of the content requested (Col. 8 line 35-44) and the instructions (Col. 2

lines 12-19); and (c) conveying the response to the browser program (Col. 2 lines 12-19

and Col. 8 liens 35-44).

23.   With respect to Claim 22, Kanevsky teaches a system for displaying a Web page

and selectively displaying an additional content, wherein a primary content is

unconditionally displayed in the Web page, but the additional content, which does not

employ a hyperlink to display the information it conveys, is only displayed with the

primary content depending upon whether predefined criteria are met, based on an

available display area, comprising: (a) a memory adapted to store data and machine

instructions (Col. 16 lines 37-46, Col. 5 lines 23-29); (b) a processor coupled to the

memory, said processor controlling storage of data in the memory and executing the

machine instructions to implement a plurality of functions (Col. 16 lines 37-46, Col. 5

lines 23-29); (c) a persistent storage device, coupled to the processor and the memory,

on which are stored machine instructions (Col. 16 lines 37-46, Col. 5 lines 23-29), which

when executed by the processor, cause it to selectively fully display a primary content

and the additional content on a single Web page without requiring scrolling in more than

one direction (Col. 7 lines 25-28 and Col. 9 lines 39-41) and without requiring a

modification of either the primary or the additional content that results in either the

primary or the additional content being perceived in less than its entirety on the web

page, such that a user directly discerns all of the information that the additional content

and the primary content provide on the single Web page (Col. 10 lines 46-65), said

additional content not being necessarily related to the primary content (Col. 9 lines 39-41): and (d) a display on which said primary content and said additional content are rendered in accord with the machine instructions, said display being controlled by the processor, said plurality of functions implemented by the processor executing the machine instructions (Col. 5 lines 5-19 and line 63 to Col. 6 line 3) including: (i) detecting dimensions of the available display area (Col. 6 lines 4-6 and 20-27); (ii) selectively displaying both the primary content and the additional content, if the primary content and the additional content are fully displayable without scrolling in more than one direction (Col. 9 lines 39-41 and Col. 10 lines 49-51); and if not, (iii) displaying only the primary content (Col. 8 lines 29-44).

24.   With respect to Claim 23, Kanevsky teaches all the limitations of Claim 22 and further teaches wherein the machine instructions that cause the processor to selectively display the additional content are downloaded to the memory over a computer network (Col. 2 lines 12-19).

25.   With respect to Claim 24, Kanevsky teaches a system for displaying a Web page and selectively displaying an additional content, based on an available display area, wherein a primary content is unconditionally displayed in the Web page, but the additional content, which does not employ a hyperlink to display the information it conveys, is only displayed with the primary content depending upon whether predefined criteria are met comprising: (a) a remote computer operatively connected to a communication network, said remote computer including a processor, and a memory in which machine instructions are stored that when executed by the processor while the

remote computer is coupled in communication with a client device, carry out a plurality

of functions (Col. 16 lines 37-46, Col. 5 lines 20-56), including: (i) identifying a client

browser program running on the client device (Col. 16 lines 37-46, Col. 2 lines 12-19);

(ii) determining machine instructions that are compatible with the client browser program

(Col. 16 lines 37-46, Col. 5 lines 23-29), for causing the client browser program to

present at least a selected portion of the additional content to a user who may directly

discern all of the information that at least the selected portion of the additional content

provides because at least the selected portion of the additional content is caused to be

fully displayed without requiring scrolling in more than one direction (Col. 9 lines 39-41

and Col. 10 lines 49-51 and Col. 7 lines 25-28) and without requiring a modification of

the additional content that results in said at least the selected portion of the additional

content being perceived in less than its entirety (Col. 10 lines 46-65), based on the

available display area on the client device (Col. 9 lines 39-41 and Col. 10 lines 49-51) ;

and (iii) communicating the machine instructions to the client browser program (Col. 16

lines 37-46, Col. 2 lines 12-17); and (b) a client device operatively connected in

communication with the remote computer over said communication network, the client

device including a display, a processor, and a memory in which instructions are stored,

said instructions, when executed by the processor in the client device, carrying out a

plurality of functions, including (Col. 5 line 5 to Col. 6 line 3): (i) communicating said

client browser properties to said remote computer when requesting a primary, content of

a Web page from said remote computer (Col. 2 lines 12-17 and Col. 6 lines 20-28); (ii)

receiving said primary content and said machine instructions from said remote computer

(Col. 2 lines 12-19, Col. 16 lines 37-46); (iii) detecting dimensions of an available

display area on the client device (Col. 6 lines 20-28); (iv) determining whether the

additional content and the primary content can be presented in a form such that a user

directly discerns all of the information that the additional content provides, because the

additional content and the primary content are fully displayed in the available display

area without requiring scrolling in more than one direction (Col. 8 lines 26-44, Col. 9

lines 39-41 and Col. 11 lines 14-24) and without requiring a modification of the

additional content that results in said at least the selected portion of the additional

content being perceived in less than its entirety (Col. 10 lines 46-65), wherein said

additional content is not necessarily related to the primary content (Col. 9 lines 39-41);

and if so (v) displaying at least the selected portion of the additional content and the

primary content on the display of the client device (Col. 9 lines 39-41, Col. 10 lines 49-

51 and Col. 11 lines 14-24); else (vi) displaying only the primary content on the display

of the client device (Col. 8 lines 26-44).

26.   With respect to Claim 25, Kanevsky teaches a computer-readable medium

having a computer-executable component for selectively displaying an additional

content in a Web page based on an available display area (Col. 9 lines 39-41), wherein

said component is integral with a browser program in which the Web page is displayed

(Col. 2 lines 12-19), said computer-executable component causing a plurality of

functions to be carried out when executed by a computer, including: (a) automatically

determining whether an additional content, which does not employ a hyperlink to display

the information it conveys, and a primary content can be presented in a form such that

a user discerns all of the information that the additional content provides, because the

additional content and the primary content are fully displayed in a single web page in

the available display area without requiring scrolling in more than one direction (Col. 9

lines 35-41 and Col. 10 lines 46-65) and without requiring a modification of either the

primary or the additional content that results in either the primary or the additional

content being perceived in less than its entirety on the single web page (Col. 10 lines

46-65), said additional content not being necessarily related to the primary content (Col.

9 lines 39-41); and if so, (c) displaying the additional content and the primary content

(Col. 9 lines 39-41 and Col. 10 lines 46-65); else (d) displaying only the primary content

(Col. 8 lines 29-34).

Claim Rejections - 35 USC § 103

27.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

28.   Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Kanevsky in view of U.S. Patent 6,098,096 by Tsirigotis et al. (Tsirigotis).

29.   With respect to Claim 10, Kanevsky teaches all the limitations of Claim 1 further

teaches display of additional content (Col. 9 lines 39-41 and Col. 10 lines 49-51).

Kanevsky does not explicitly disclose determining if the additional content to be

displayed was previously downloaded and retrieving the content if needed. However, it

is well known in the art that it can be determined if content has been previously downloaded and retrieving the content if it was not as shown by Tsirigotis (Col. 5 line 58 – Col. 6 line 8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Kanevsky and modify it as indicated by Tsirigotis such that wherein the step of displaying the additional content and the primary content comprises the steps of: (a) determining whether the additional content was previously downloaded from a remote storage; and if not, (b) retrieving the additional content from the remote storage and displaying both the primary content and the additional content; else (c) displaying both the primary content and the additional content that was previously downloaded from the remote storage. One would be motivated to have this as it saves time that would have otherwise been used to retrieve the content (Col. 2 lines 24-36 of Tsirigotis).

Allowable Subject Matter

30.   Claims 12-16 and 26 allowed.

31.   The following is a statement of reasons for the indication of allowable subject matter: From the remarks filed 04/28/05, the examiner finds the arguments concerning claim 12 and those claims dependent on claim 12 to be persuasive (See Pages 14-16 of the remarks). Particularly, the Kanevsky reference, in the situation where a device is incapable of displaying all available content, employs a hyperlink when a content portion of lower priority does not fit with a content portion of higher priority. This is in contrast to

the applicant's invention which does not employ a hyperlink to display the information as

it only displays those portions that can be fully displayed as expressed in claim 12. The

claimed subject matter is found to be non-obvious in view of the prior art.

Response to Arguments

32.   Applicant's arguments, see pages 14-16 of the remarks filed 04/28/05, with

respect to claims 12-16 and 26 have been fully considered and are persuasive. The

rejections of claims 12-16 have been withdrawn.

33.   Applicants' arguments filed 04/28/05, excluding those directed to claims 12-16,

have been fully considered but they are not persuasive.

34.   Applicants argue (Pages 10-11) - "*applicants have amended independent claims

1, 18, 22, 24 and 25 to clarify that the additional content does not employ a hyperlink to

display the information it conveys...the additional content is not contained in a link,

because the information included in the additional content could not be perceived

without activating the link and reading material provided on another web page. Thus,

Kanevsky does not teach or suggest all of the elements recited in Claims 1, 18, 22, 24

and 25*"

        a.   Kanevsky does not state that the added objects (icons, text, graphics, etc)

        have to be a reference to additional content or that an object must be

        manipulated by the user to view the contents. If a single graphic or a small

        amount of text is inserted (such as Col. 9 lines 35-41 and Col. 10 lines 56-59)

        that does not link to any other content, then this additional content would not be a

        reference to additional content and would not have to be manipulated/activated.

The object (for example text and graphics Col. 8 lines 32-33 and Col. 10 lines 56-59) is the "additional content". Furthermore, it would be a full representation of additional content in its entirety and in a single web page with the primary content (Col. 10 lines 46-51)

35.   Applicants argues in regards to Claim 18 (Pages 11-12 of remarks) - "*However, it appears that Kanevsky does not identify the browser program but instead only identified characteristics or parameters associated with the visual display... However, it appears that Kanevsky does not determine instructions compatible with a browser program that was automatically determined, but instead retrieves predefined instructions that have previously been stored.*"

b.   The functionalities taught by Kanevsky can be incorporated into the client's web browser software (Col. 16 lines 37-46). This may be done through a java applet, for example (Col. 2 lines 10-16). It is inherent that properties identifying the browser program would be detected and that, furthermore, instructions compatible with the browser would have to be determined. If either of these was not the case, the invention would not be able to function such that web pages can be adapted (i.e. adding additional content when appropriate) and displayed by the clients web browser.

36.   Applicants argue in regards to Claim 22 (Pages 12-13 of remarks) - "*Specifically, although a client web page browser 112 may be utilized for additional adaptation of web pages at the client machine (Kanevsky, column 16, lines 37-49), the web page adaptor server 107 transforms web pages received from a web site, via server 104, to adapt the content of the web pages to the size of the display on the client....In contrast, applicants*

claim functions that are performed by a processor on a standalone client system as recited in independent Claim 22 and which does not utilize a remote server as Kanevsky does." Note: Applicants arguments for Claims 24 and 25 (pages 13-14 of remarks) rely primarily on this argument.

c.   The examiner first notes that Claim 22 does not explicitly claim a standalone client system as asserted by the applicants. Claim 22 states a "system" where a "remote computer is coupled in communication with a client device" for carrying out "a plurality of functions". This does not seem to be a standalone client system.

d.   Furthermore, the examiner disagrees with the applicants interpretation of the "additional adaptation of web pages at the client machine". Col. 17 , lines 48-67 of Kanevsky, states "the operations of the adapator module 112 is substantially similar to the adaptor server 107, the identical operations will not be repeated" (lines 48-49). Kanevsky continues on to discuss the slight differences, which do not include the adaptation functionalities cited by the applicants in the remarks. In other words, in relation to the claimed subject matter, the adaptor server and the client web page adaptor module perform the same identical functions.

37.   Applicants argue in regards to Claim 10 (Page 14 of remarks) - *"Because a dependent claim inherently includes all of the elements of the independent claim from which the dependent claim ultimately depends, dependent Claim 10 is patentable for at least the same reasons discussed above with regard to independent Claim 1."*

e.   The examiner notes a separate discussion for Claim 1 was not explicitly

given. To his best knowledge, the examiner has addressed all arguments to this
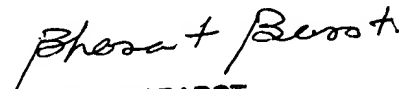
point in the remarks.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to David Lazaro whose telephone number is 571-272-

3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

BHARAT BAROT
PRIMARY EXAMINER

David Lazaro
May 27, 2005